

REMARKS/ARGUMENTS

Original claims 1, 8-15, 17 and 20 and previously added claim 28 and 30-32 remain in the application.

Claims 2-7, 18-19 and 21-27 were canceled in the first Office Action response without prejudice.

Claims 16 and 29 have been canceled in this Office Action response without prejudice.

Claims 1, 8-17, 20 and 28-32 have been rejected.

Claims 12, 16, 20 and 29-32 have been objected to for informalities. Claims 12, 20 and 30-32 have been amended herein as suggested by the Examiner, and claims 16 and 29 have been canceled in this paper.

Claim 16 has been rejected under 35 U.S.C. 102 (b), as being anticipated by McWhirter (US 2,064,439). Claim 16 has been canceled without prejudice in this paper.

Claims 1, 9 and 10 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over McWhirter (US 2,064,439) in view of Lambert (US 2,482,983). Independent claim 1 has been amended to include wording indicated by the Examiner to be favorable for allowance. Therefore, claim 1 and its dependent claims 8, 9 and 10 are deemed to be in condition for allowance. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 8 and 17 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over McWhirter in view of Lambert as applied to claims 1, 9 and 10, and further in view of Hauserman et al. (US 2,482,983). Claim 8 is dependent from claim 1 and is deemed to be in condition for allowance according to *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Independent claim 17 has been amended to include wording indicated by the Examiner to be favorable for allowance. Therefore, claim 17 is deemed to be in condition for allowance.

Claims 11, 12 and 15 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over McWhirter, as modified, in view of Hauserman et al. as applied to claims 8 and 17, and further in view of Byron et al. (US 5,767,440). Independent claim 11 has been amended to include

wording indicated by the Examiner to be favorable for allowance. Therefore, claim 11 and its dependent claims 12, 13, 14 and 15 are deemed to be in condition for allowance according to *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 13 and 14 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over McWhirter, as modified, in view of Byron et al. as applied to claims 11, 12 and 15, and further in view of Rosenberg (US 1,299,232). Claims 13 and 14 are dependent from independent claim 11, which has been amended as indicated above and is deemed to be in condition for allowance. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 16 and 31 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over Byron et al. in view of McWhirter. Claim 16 has been canceled in this paper. With respect to claim 31, the Examiner has suggested that it would have been obvious for one having ordinary skill in the art to modify Byron such that the cabinet has a first resilient seal disposed between the first surface of the access panel and the first inwardly turned edge. The Examiner's suggested motivation for the modification being McWhirter's suggestion of using a resilient seal to provide a waterproof seal between the cabinet walls and access panel. McWhirter specifically teaches in the second column of page 1, lines 31-33 and lines 40-42, that the "packing 15" cooperates with the upper ends of the doors 5 and 6 and back panels 7 and 8 "to prevent the entry of dirt and moisture into the cabinet." McWhirter never claims that his cabinet is waterproof, as suggested by the Examiner. Byron specifically teaches in column 4, lines 28-30, that "the cooperation between the flanges and channels prevent external elements from entering the high voltage compartment." Byron teaches a configuration of flanges and channels that can prevent external elements, which can include dirt and moisture (rain), from entering the cabinet without the need for a seal as taught by McWhirter. Therefore, there is no motivation for one skilled in the art to add additional elements (seals) to a device that already performs the function without those elements. Claim 31 is deemed to define over the Examiner's suggested combination of Byron and McWhirter.

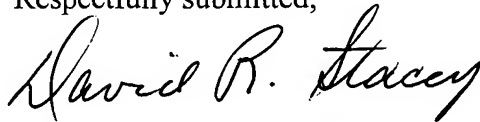
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Claims 20, 28 and 32 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over Rennie et al. (5,574,624) in view of Rosenberg. Claims 20 and 32 have been amended herein to be dependent from claim 17, which is deemed to be in condition for allowance. Therefore, claims 20, 28 and 32 are deemed to be in condition for allowance according to *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 29 and 30 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over McWhirter as applied to claims 16 and 31, further in view of Rosenberg. Claim 29 has been canceled without prejudice in this paper. Claim 30 has been amended herein to be dependent from claim 17, which is deemed to be in condition for allowance. Therefore, claim 30 is deemed to be in condition for allowance according to *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In reply to the Office Action dated April 21, 2005, the objections and rejections set forth by the Examiner have been carefully considered. Applicants have canceled claims 16, and 29. Amendments have also been made to the claims to overcome the Examiner's objections. None of these amendments have added new matter to the application. Applicants have also presented arguments herein to overcome the Examiner's rejections and believe that all pending claims are in condition for allowance. Applicants therefore respectfully request a favorable reconsideration and allowance of this Application.

Respectfully submitted,



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